

# **Exhibit 1**

## **Martin Tripp Deposition**

### **Excerpts**

~~Martin Tripp-Confidential~~

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

REPORTER'S CERTIFIED  
TRANSCRIPT

TESLA, INC., a Delaware  
corporation,

Plaintiff,

v.

MARTIN TRIPP,

Defendant,

\_\_\_\_\_  
AND RELATED COUNTER-CLAIMS.)

) Case No.:

) 3:18-cv-00296 LRH-CBC

) **CONFIDENTIAL**

CONFIDENTIAL

VIDEOTAPE DEPOSITION OF MARTIN TRIPP

PHOENIX, ARIZONA  
WEDNESDAY, SEPTEMBER 4, 2019  
9:01 A.M.

DAVID M. LEE, RMR, CCR  
Certified Reporter  
Certificate Number 50391  
File No.: 19-29468



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09:51	1	Q. How should you be viewed then?
09:51	2	A. Preferably not viewed at all.
09:51	3	Q. All right. You wanted to remain anonymous.
09:51	4	A. That is correct.
09:51	5	Q. You wanted to continue with your job at
09:51	6	Tesla while continuing to provide information to
09:51	7	reporters.
09:51	8	A. Only if it was necessary.
09:51	9	Q. And you were going to do that for as long
09:51	10	as you thought it was necessary.
09:51	11	A. Yes.
09:51	12	Q. As determined by you.
09:51	13	A. Yes.
09:51	14	Q. So you thought by changing -- by -- excuse
09:51	15	me. Let me start that again.
09:51	16	You thought by sharing information with
09:51	17	Linette Lopez, you would change the -- what was
09:52	18	being done at the Tesla Gigafactory; right?
09:52	19	A. That was my hope.
09:52	20	Q. And you were going to continue to provide
09:52	21	information from Tesla to Linette Lopez as long as
09:52	22	it was -- you thought there were things that needed
09:52	23	to be changed at Tesla's Gigafactory.
09:52	24	A. If it involved public safety, yes.
09:52	25	Q. So a lot of the information that you

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09:52 1 disclosed had to do with the amount of dollar value  
09:52 2 of scrap. Do you remember that?  
09:52 3 A. Yes.  
09:52 4 Q. How is that an issue of public safety?  
09:52 5 A. I can't say that it is.  
09:52 6 Q. Then why were you disclosing it to Linette  
09:52 7 Lopez?  
09:52 8 A. Because there was a concern internally  
09:52 9 amongst many employees.  
09:52 10 Q. Okay. So there was a concern internally  
09:52 11 amongst employees, and you didn't see it was  
09:52 12 changing to your liking; right?  
09:52 13 MR. FISCHBACH: Object to the form of the  
09:53 14 question.  
09:53 15 THE WITNESS: It was not changing to the  
09:53 16 liking of anyone.  
09:53 17 Q. BY MR. GATES: You didn't think that Tesla  
09:53 18 was changing sufficiently in response to the  
09:53 19 concerns about the level of scrap.  
09:53 20 A. That is correct.  
09:53 21 Q. And so because of that, you decided to  
09:53 22 provide Tesla confidential information to Linette  
09:53 23 Lopez.  
09:53 24 A. Yes.  
09:53 25 Q. But that's not an issue of public safety.

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09:53 1 A. Not to my knowledge.

09:53 2 Q. You also disclosed to her information about  
09:53 3 the number of Model 3s that were being produced.  
09:53 4 Do you remember that?

09:53 5 A. Yes.

09:53 6 Q. Was that an issue of public safety?

09:53 7 A. I can't say that it is.

09:53 8 Q. Why did you disclose it to Linette Lopez?

09:53 9 A. Because Elon Musk was lying to investors and  
09:54 10 the public about the amount of cars being produced  
09:54 11 per day, and I was showing proof of that.

09:54 12 Q. Okay. Let's suppose that you thought the  
09:54 13 numbers that you were being put to the public were  
09:54 14 incorrect. Why go to a reporter with Tesla  
09:54 15 confidential information? What's the importance of  
09:54 16 that?

09:54 17 A. I believed it was wrong. I, myself, was an  
09:54 18 investor with restricted stock units, and I believe  
09:54 19 that it was wrong for him to say one thing, and we  
09:54 20 were actually doing another.

09:54 21 Q. So because you thought it was wrong, it was  
09:54 22 okay to steal Tesla confidential information and  
09:54 23 provide it to a reporter.

09:54 24 A. Correct.

09:54 25 Q. Did you raise the issue of the number of

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10:08 1 MR. FISCHBACH: Object to the form of the  
10:08 2 question.

10:08 3 THE WITNESS: Answer?

10:08 4 MR. FISCHBACH: Go ahead and answer, yeah.

10:08 5 THE WITNESS: I didn't know about her. I  
10:08 6 possibly have read some articles by her, but I --  
10:08 7 the name was not familiar.

10:08 8 Q. BY MR. GATES: Okay. You learned at some  
10:08 9 point that she had a grudge against Elon Musk;  
10:08 10 right?

10:08 11 MR. FISCHBACH: Object to the form of the  
10:08 12 question.

10:08 13 Answer if you can.

10:08 14 THE WITNESS: I don't know if it was a  
10:08 15 grudge; she definitely contested things that he  
10:08 16 said and did.

10:08 17 Q. BY MR. GATES: Well, you described it as a  
10:08 18 grudge; right?

10:08 19 A. At some point I probably did.

10:08 20 Q. You described it as also "She definitely  
10:08 21 had it out for Elon."

10:08 22 A. I would definitely agree with that.

10:09 23 Q. Okay. So you're not sure whether you knew  
10:09 24 that at the point when you got this response from  
10:09 25 Linette Lopez on May 27th?

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10:28 1 say:

10:28 2 "Pics [coming in on]" -- "incoming in  
10:28 3 another thread."

10:28 4 Do you see that?

10:28 5 A. Yes.

10:25 6 (Deposition Exhibit Number 5 was marked  
10:28 7 for identification.)

10:28 8 Q. BY MR. GATES: Okay. So I'm going to give  
10:28 9 to you what has been marked as Exhibit 5, and this  
10:28 10 is just the cover e-mail without attachments. You  
10:28 11 see that? That's an e-mail that you sent to  
10:28 12 Linette Lopez on May 27th at -- 2018 at 12:39 p.m.  
10:29 13 Do you see that?

10:29 14 A. Yes.

10:29 15 Q. And attached to this e-mail were there  
10:29 16 pictures that you had sent to her?

10:29 17 A. It shows there are attachments, yes.

10:29 18 Q. And is this the thread, the thread that you  
10:29 19 were talking about in Exhibit 4, the other e-mail?

10:29 20 A. I would believe so.

10:29 21 Q. So these pictures that you sent to her, were  
10:29 22 those pictures that you took?

10:29 23 A. Yes.

10:29 24 Q. On your phone?

10:29 25 A. Yes.

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10:29 1 Q. In the Tesla Gigafactory.

10:29 2 A. Yes.

10:29 3 Q. Were you authorized to take those pictures?

10:29 4 A. Yes, I was.

10:29 5 Q. By whom?

10:29 6 A. By Michael Bowling.

10:29 7 Q. And were you authorized to take those

10:29 8 pictures for purposes of your job?

10:29 9 A. Yes, I was.

10:29 10 Q. Were you authorized to share those with

10:30 11 Linette Lopez?

10:30 12 A. No, I was not.

10:30 13 Q. And you knew that; right?

10:30 14 A. Yes.

10:30 15 [REDACTED]

10:30 16 [REDACTED]

10:30 17 [REDACTED]

10:30 18 [REDACTED]

10:30 19 [REDACTED]

10:30 20 [REDACTED]

10:30 21 [REDACTED]

10:30 22 [REDACTED]


























10:30 23 [REDACTED]

10:30 24 [REDACTED]




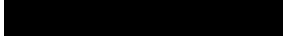

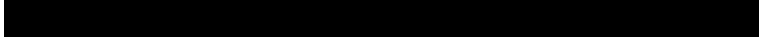
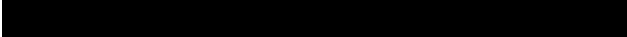
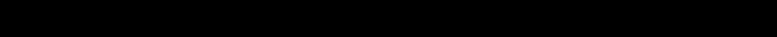






























10:30 25 [REDACTED]



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10:47 1 Q. Did you tell them why you were asking them  
10:47 2 for that information?

10:47 3 A. I can't remember.

10:47 4 Q. Did you say "Hey, I want this information  
10:47 5 so I can calculate the total scrap value, so I can  
10:47 6 send that to a reporter"?

10:47 7 MR. FISCHBACH: Objection; asked and  
10:47 8 answered.

10:47 9 Q. BY MR. GATES: Did you say something like  
10:47 10 that?

10:47 11 A. No.

10:48 12 Q. You didn't tell anybody that you were  
10:48 13 sending information off to a reporter, did you?

10:48 14 A. I can't remember if I did tell anybody or  
10:48 15 not.

10:48 16 Q. You don't remember. Okay.

10:48 17 (Deposition Exhibit Number 10 was marked  
10:48 18 for identification.)

10:48 19 Q. BY MR. GATES: Let's look at Exhibit 10.

10:48 20 So Exhibit 10 is a chart which has in  
10:48 21 it data from Tesla. Can you tell us what this data  
10:48 22 is?

10:48 23 A. I bel- -- I believe -- I -- I can't tell you  
10:48 24 what it is. I can only tell you what I believe it  
10:48 25 is.

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11:00 1 the e-mail? Like on page 3, for instance.

11:00 2 A. But it doesn't show me that it's actually  
11:00 3 part of the e-mail.

11:00 4 (Deposition Exhibit Number 17 was marked  
11:00 5 for identification.)

11:00 6 Q. BY MR. GATES: Oh, okay. Let's see. Let  
11:00 7 me give you what's been marked as Exhibit 17.

11:00 8 So Exhibit 17 is a photograph recovered  
11:00 9 from your computers or servers that you've used, and  
11:01 10 this is a photograph of your work laptop. Is that  
11:01 11 right?

11:01 12 A. It is possible.

11:01 13 Q. "Possible." You don't recognize it?

11:01 14 A. The computer?

11:01 15 Q. No, the screenshot.

11:01 16 A. Yes, I do recognize that screenshot.

11:01 17 Q. Okay. And so that is a photograph that you  
11:01 18 took of a screenshot from a computer hooked up to  
11:01 19 Tesla's systems; correct?

11:01 20 A. Correct.

11:01 21 Q. And you sent that photograph to Linette  
11:01 22 Lopez.

11:01 23 A. Yes.

11:01 24 Q. Okay. You sent it to her via this e-mail  
11:01 25 on May 29th, 2018, at 12:43 p.m.

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11:13 1 Linette Lopez on June 1st at 7:10 p.m.; right?

11:13 2 A. Correct.

11:13 3 Q. And you were attaching to that -- first off,  
11:13 4 you embedded an image in the e-mail which was, it  
11:13 5 looks like --

11:13 6 Well, you tell me. What -- what is the  
11:13 7 image that you embedded in the e-mail, if you can

11:13 8 [REDACTED]

11:13 9 [REDACTED]

11:13 10 [REDACTED]

11:13 11 [REDACTED]

11:13 12 [REDACTED]

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11:13 14 [REDACTED]

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Q. Did you have any concern that Ms. Lopez might somehow do something more than just write an article with all the information that you were giving to her?

MR. FISCHBACH: Object to the form of the question.

Answer if you can.

THE WITNESS: I never had any concern like that.

Q. BY MR. GATES: Okay. You trusted her.

A. Yes.

Q. You hadn't met her before; right?

A. No.

Q. In fact, you provided her Tesla data without even having talked to her on the phone.

A. I believe I'd spoken to her on the phone.

Q. Okay. So now one phone call, and you think that she's trustworthy.

A. I'm a trusting guy.

Q. Okay.

MR. FISCHBACH: Do you want to take a break?

MR. GATES: Sure.

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12:01 1 Q. So what was the attachment that you sent to  
12:01 2 her?

12:01 3 A. I can't say with a hundred percent  
12:01 4 certainty what it was. I can't remember.

12:01 5 Q. Did you send her data about Model 3s?

12:01 6 A. I would assume, but I can't make an  
12:01 7 absolute.

12:01 8 Q. Do you remember sending her data about the  
12:02 9 number of Model 3s that were produced in 2018?

12:02 10 A. I do.

12:02 11 Q. Was that data that you got from Tesla?

12:02 12 A. Yes.

12:02 13 Q. And that was data that you were not  
12:02 14 authorized to share with her.

12:02 15 A. That is correct.

12:02 16 (Deposition Exhibit Number 26 was marked  
12:02 17 for identification.)

12:02 18 Q. BY MR. GATES: All right. This is Exhibit  
12:02 19 26.

12:02 20 A. Thank you.

12:02 21 Q. All right. So Exhibit 26 is an e-mail that  
12:02 22 you sent to Linda Lorel, otherwise known as Linette  
12:02 23 Lopez, on June 5th, 2018, at 12:43 p.m. The  
12:02 24 "Subject" is: "Valeo robot being removed and pic  
12:02 25 of the query for all Model 3s."



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12:02 1 Do you see that?

12:02 2 A. Yes.

12:02 3 Q. Okay. And -- and there's a bunch of  
12:02 4 attachments, images that are attached to this. Do  
12:02 5 you remember what you sent to her?

12:02 6 A. I remember the picture of the Vale- --  
12:03 7 Valeo robot, but none of the others:

12:03 8 Q. Okay. So what was the Valeo robot?

12:03 9 A. If I remember correctly, it was a robot  
12:03 10 that was physically -- Elon Musk physically told  
12:03 11 everybody to turn off and not use, but everyone was  
12:03 12 concerned that it was still needed and necessary.

12:03 13 Q. So that's the picture that you took?

12:03 14 A. Yes.

12:03 15 Q. And that was from inside the Gigafactory.

12:03 16 A. Yes.

12:03 17 Q. Were you authorized to share that picture  
12:03 18 with anybody outside of Tesla?

12:03 19 A. No, I was not.

12:03 20 Q. Okay.

12:03 21 Why did she want a picture of this  
12:03 22 robot?

12:03 23 A. It went along the same line as the genealogy  
12:03 24 be turned -- being turned off. She wanted to see  
12:03 25 the robot.

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12:05 1 Q. Why does she want you to comment on the  
12:05 2 Tesla shareholder meeting?

12:05 3 A. Well, they're discussing the amount of scrap,  
12:05 4 or the scrap where it's being housed and things  
12:05 5 like that, so she was interested in knowing more  
12:05 6 information about that.

12:05 7 Q. So this isn't something that you had  
12:05 8 volunteered to give her, she was asking you for  
12:05 9 information.

12:05 10 A. Correct.

12:05 11 Q. And you...

12:05 12 Did you answer this?

12:05 13 A. (No response.)

12:05 14 Q. Did you talk to her on the phone or  
12:05 15 something, or by e-mail or text?

12:05 16 A. I don't remember.

12:06 17 Q. Okay.

12:06 18 (Deposition Exhibit Number 28 was marked  
12:06 19 for identification.)

12:06 20 Q. BY MR. GATES: Exhibit 28.

12:06 21 So Exhibit 28 is an e-mail that you

12:06 22 sent to Linette Lopez on June 5th at 6:58 p.m.,

12:06 23 also entitled: "Tesla shareholder meeting 5/6

12:06 24 NOTES," and you apparently attached a

12:06 25 video. Do you see that?

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12:06	1	A. Yes.
12:06	2	Q. Do you remember what this video was of?
12:06	3	A. Without any other information, I can't tell
12:06	4	you.
12:06	5	Q. Would it have been video that you took
12:06	6	inside the factory?
12:06	7	A. It's quite possible.
12:06	8	Q. You did share with her videos that you took
12:06	9	from inside the factory; correct?
12:06	10	A. Yes, I did.
12:06	11	Q. And those were videos that you were not
12:06	12	authorized to share outside of Tesla; right?
12:06	13	A. That is correct.
12:06	14	Q. In fact, you had no reason to take those
12:06	15	videos as part of your job; right?
12:06	16	A. Some videos I took were required as part of
12:06	17	my job.
12:06	18	Q. And others were not.
12:06	19	A. Correct.
12:06	20	Q. Others that you shared with Linette Lopez
12:07	21	were not required for your job.
12:07	22	A. That is correct.
12:07	23	MR. MITCHELL: Sean, would you let us know
12:07	24	when we come to a good break for our lunch?
12:07	25	MR. GATES: Oh, okay. I see.

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12:07 1 Do you want to just go to like 12:30;  
12:07 2 is that all right?

12:07 3 MR. MITCHELL: If that's what you want,  
12:07 4 that's fine.

12:07 5 MR. GATES: Okay. That will be about an  
12:07 6 hour, so that works.

12:07 7 Okay. It's not getting cold, is it?

12:07 8 MR. FISCHBACH: What's that?

12:07 9 MR. GATES: It's not getting cold, is it?

12:07 10 MR. FISCHBACH: I don't think so; I think  
12:07 11 they're sandwiches.

12:07 12 MR. GATES: Okay. We'll go to 12:30.

12:07 13 (Deposition Exhibit Number 29 was marked  
12:07 14 for identification.)

12:07 15 Q. BY MR. GATES: Okay. Let me give you  
12:07 16 what's been marked as Exhibit 29.

12:07 17 So Exhibit 29 is an e-mail from Linette  
12:07 18 Lopez to you on Wednesday, June 6th, 2018, at 12:36  
12:07 19 p.m., and she forwards to you a -- or sends you a  
12:08 20 link to an article. This is a link to her second  
12:08 21 article that came out on June 6th using information  
12:08 22 that you had provided to her; right?

12:08 23 A. That is correct.

12:08 24 Q. And were you at work when you received this  
12:08 25 e-mail?

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12:19 1 A. True.

12:19 2 Q. Does that remind you that you continued to  
12:19 3 provide her confidential Tesla information after  
12:19 4 June 7th?

12:19 5 A. Yes, on June 7th. This is on June 7th.

12:19 6 (Deposition Exhibit Number 34 was marked  
12:19 7 for identification.)

12:19 8 Q. BY MR. GATES: Okay. Let's go to Exhibit  
12:19 9 34.

12:20 10 Oh, probably. I'm sorry.

12:20 11 All right. So Exhibit 34 is an e-mail  
12:20 12 that you sent to Ms. Lopez on June 9th, 2018, at  
12:20 13 9:37 a.m.; true?

12:20 14 A. Yes.

12:20 15 Q. And in there you sent her a link to a  
12:20 16 Google Drive; right?

12:20 17 A. Yes.

12:20 18 Q. And a Google Drive is a cloud-based service  
12:20 19 where you can share files with other people; right?

12:20 20 A. That is correct.

12:20 21 Q. And in it you uploaded a bunch of  
12:20 22 information from Tesla to provide to Ms. Lopez;  
12:20 23 true?

12:20 24 A. At some point, yes.

12:20 25 Q. In this particular one you uploaded a bunch

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12:20 1 of photographs that you had taken at the Gigafactory;  
12:20 2 right?

12:21 3 A. Possibly.

12:21 4 Q. Okay. So in these e-mails you talk about  
12:21 5 the fact that you went out and snooped around some  
12:21 6 trailers on the Tesla Gigafactory site; right?

12:21 7 A. Yes.

12:21 8 Q. And you took pictures of the trailers, and  
12:21 9 you opened the trailers, and you took pictures of  
12:21 10 what was inside of them; right?

12:21 11 A. Correct.

12:21 12 Q. That wasn't part of your job  
12:21 13 responsibilities; true?

12:21 14 A. True.

12:21 15 Q. And you were doing this in order to provide  
12:21 16 information to Linette Lopez about scrap at Tesla;  
12:21 17 correct?

12:21 18 A. That is correct.

12:21 19 Q. And you were hoping that she would publish  
12:21 20 another article about what was going on at Tesla's  
12:21 21 Gigafactory; right?

12:21 22 MR. FISCHBACH: Object to the form of the  
12:21 23 question.

12:21 24 Answer if you can.

12:21 25 THE WITNESS: I can't say that.

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12:21 1 Q. BY MR. GATES: Well, why were you providing  
12:21 2 her all these -- all this information and all these  
12:21 3 photographs?

12:21 4 A. Because she was listening.

12:21 5 Q. "Because she was listening."

12:22 6 Okay. What was significant about the  
12:22 7 fact that she was listening?

12:22 8 A. When no one else at Tesla would listen.

12:22 9 Q. Okay. So you just kept providing to her  
12:22 10 Tesla confidential information because she was  
12:22 11 listening to you.

12:22 12 A. Yes.

12:22 13 Q. Did you talk to anybody at the Gigafactory?  
12:22 14 Did you send any e-mails saying "Hey, what about  
12:22 15 all these battery cells that are out in these  
12:22 16 trailers out there? I'm worried about those."  
12:22 17 Anything like that?

12:22 18 A. Yes.

12:22 19 Q. Who did you talk to?

12:22 20 A. I talked to John Sheridan. I talked to my  
12:22 21 counterpart Mark Newsom -- excuse me -- Mark  
12:22 22 Neumeister, and numerous other process engineering  
12:22 23 technicians in the Module line, as well as process  
12:22 24 engineering technicians in the Stator line.

12:22 25 Q. Did you send anybody an e-mail?

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12:22 1 A. No.

12:22 2 Q. Text?

12:22 3 A. No.

12:22 4 Q. Leave a voicemail?

12:22 5 A. No.

12:22 6 Q. And you were concerned that the batteries,

12:23 7 the scrap batteries that were in these trailers,

12:23 8 were stacked too high; right?

12:23 9 A. No, I was concerned that they were going to

12:23 10 ignite because of the excessive heat being locked

12:23 11 in these trailers.

12:23 12 Q. Okay. So are you a battery engineer?

12:23 13 A. No.

12:23 14 Q. Did you call up your ex-wife and ask her

12:23 15 whether these batteries would explode if they were

12:23 16 in this heat?

12:23 17 A. No.

12:23 18 Q. Did you text her?

12:23 19 A. No.

12:23 20 Q. Did you ever text your ex-wife about the

12:23 21 batteries at the Tesla Gigafactory?

12:23 22 A. No.

12:23 23 Q. Why did you tell the investigators that?

12:23 24 A. Because they were intimidating me.

12:23 25 Q. Oh, okay. So you lied about that.



13:32 1 THE WITNESS: She knew of the concerns that  
13:32 2 I had about Tesla. She had fears about what they  
13:32 3 would do to me, retaliation or whatnot, and she was  
13:32 4 relieved and -- and was receptive to moving to  
13:32 5 Hungary.

13:32 6 Q. BY MR. GATES: Okay. You had planned to  
13:32 7 move to Hungary at some point in the future with  
13:32 8 your wife; right?

13:32 9 A. Yes.

13:32 10 Q. And in fact, you had planned to retire from  
13:32 11 Tesla in under two years; right?

13:32 12 A. We had planned to possibly make a move; we  
13:32 13 didn't know what the future held though.

13:33 14 Q. Did you tell people that you were going to  
13:33 15 retire in two years?

13:33 16 A. I told them I was going to retire soon; I  
13:33 17 did not give them a time frame.

13:33 18 (Deposition Exhibit Number 40 was marked  
13:33 19 for identification.)

13:33 20 Q. BY MR. GATES: Okay. Let me give you what's  
13:33 21 been marked as Exhibit 40.

13:33 22 So Exhibit 40 is a spreadsheet you  
13:33 23 created that is a countdown to your retirement,  
13:33 24 isn't it?

13:33 25 A. That is a countdown to when we would be

13:34 1 to her family, take some time off, and then look  
13:34 2 for employment there.

13:34 3 Q. Didn't you tell other people that -- at  
13:35 4 Tesla that you were going to retire?

13:35 5 A. I don't know if I ever used that word.

13:35 6 Q. Did you tell anybody else that you were  
13:35 7 going to retire in a couple years and move to  
13:35 8 Hungary?

13:35 9 A. I don't know if I did or not.

13:35 10 (Deposition Exhibit Number 41 was marked  
13:35 11 for identification.)

13:35 12 Q. BY MR. GATES: Let me give you what's been  
13:35 13 marked as Exhibit 41.

13:35 14 Exhibit 41 is a booking for you, your  
13:35 15 wife, and your son to fly to Hungary; correct?

13:35 16 A. That is correct.

13:35 17 Q. And you booked this on June 18th, 2016.

13:36 18 A. No.

13:36 19 Q. No, I'm sorry. You booked it the 16th of  
13:36 20 June, 2018.

13:36 21 A. Yes.

13:36 22 Q. And so this was after your two interviews  
13:36 23 with Tesla security; you decided to leave to go to  
13:36 24 Hungary at that point.

13:36 25 A. It was after the -- it was just before the

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13:36 1 second interview actually --

13:36 2 Q. That's when you booked it?

13:36 3 A. -- so...

13:36 4 Yes.

13:36 5 (Deposition Exhibit Number 38 was marked  
13:36 6 for identification.)

13:36 7 Q. BY MR. GATES: Okay. So let me give you  
13:36 8 what's been marked as Exhibit 38.

13:36 9 So Exhibit 38 is an e-mail from you to  
13:36 10 Linette Lopez on June 15th at 10:59 a.m.; correct?

13:37 11 A. That is correct.

13:37 12 Q. And you tell her that she can freely use  
13:37 13 your name as a source after the 29th, and by that  
13:37 14 you meant the 29th of June; correct?

13:37 15 A. I don't remember what it states.

13:37 16 Q. Okay. The e-mail says: "Also, you can  
13:37 17 freely use my name as source after the  
13:37 18 29th."

13:37 19 Do you see that?

13:37 20 A. Right. I see that.

13:37 21 Q. You sent that to Linette Lopez on June  
13:37 22 15th, 2018; correct?

13:37 23 A. That is correct.

13:37 24 Q. So you were telling her that she could use  
13:37 25 your name as a source of the information that you

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14:07 1 evening; right?

14:07 2 A. I believe it was after 5:30. It was  
14:08 3 evening.

14:08 4 Q. It was still light though; right?

14:08 5 A. Yes.

14:08 6 Q. Okay.

14:08 7 So after your interview with the  
14:08 8 Sheriff's deputies, did you have communications  
14:08 9 with reporters?

14:08 10 A. I did.

14:08 11 Q. And why?

14:08 12 A. Because they knew that there was this  
14:08 13 fabrication, and I'd been speaking with them about  
14:08 14 it, and so I called them back to tell them what had  
14:08 15 happened after the interview with the Sheriff.

14:08 16 Q. So did you speak with reporters prior to --  
14:08 17 on the 20th, prior to the interview with the  
14:08 18 Sheriff's deputies?

14:08 19 A. Yes.

14:08 20 Q. And you told them that you believed the  
14:08 21 threat to the Gigafactory was a fabrication.

14:09 22 A. Yes.

14:09 23 Q. And then after your interview with the  
14:09 24 Sheriff's deputies you -- you also spoke with  
14:09 25 reporters.

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14:09	1	A. That is correct.
14:09	2	Q. Was that by phone?
14:09	3	A. Yes.
14:09	4	Q. Beforehand was by phone as well?
14:09	5	A. Yes.
14:09	6	Q. Okay. Who did you talk to?
14:09	7	A. Julie Wong and Drew Harwell.
14:09	8	Q. And Julie Wong is a reporter with The
14:09	9	Guardian; right?
14:09	10	A. Yes, she was at the time.
14:09	11	Q. And at the time Drew Harwell was a reporter
14:09	12	with The Washington Post; correct?
14:09	13	A. I believe that's true.
14:09	14	Q. And why did you think it was important to
14:09	15	tell them that this was a fabrication?
14:09	16	A. Because they're the ones that told me about
14:09	17	the threat.
14:09	18	Q. Okay. So they contacted you.
14:09	19	A. Yes.
14:09	20	Q. By e-mail or by phone?
14:09	21	A. (No response.)
14:09	22	Q. How did they contact you?
14:09	23	A. I cannot remember exactly if it was both.
14:09	24	Q. And then you forwarded to them the e-mail
14:10	25	exchange between you and Mr. Musk; right?

14:49 1 A. During a one-on-one with myself, Imari  
14:49 2 Henderson, and Michael Bowling just prior to this,  
14:49 3 I was told that I was no longer a lead and there  
14:49 4 was no such thing as a lead, yet I had to interact  
14:49 5 with my counterparts in the other departments that  
14:49 6 were considered leads, and I still had to perform  
14:49 7 the same duties. But at that point I was looked  
14:49 8 down upon, and I felt I was being discriminated  
14:49 9 against because I was being treated differently than  
14:50 10 my peers, but I still had the same expectations of  
14:50 11 me to do the same duties as I was doing. And even  
14:50 12 they were looking down upon me, kind of making jokes  
14:50 13 about it.

14:50 14 Q. You had the same pay; right?

14:50 15 A. I don't know if it was the same pay or not.

14:50 16 Q. Well, your pay didn't change; right?

14:50 17 A. That is correct.

14:50 18 Q. And you say you were being discriminated  
14:50 19 against by whom?

14:50 20 A. By Michael Bowling, Imari Henderson, the  
14:50 21 process engineering technician supervisors for the  
14:50 22 Stator line, many of the process engineering  
14:50 23 technicians, my counterparts in the final assembly,  
14:50 24 rotor, and inverter areas.

14:50 25 I don't know if I said Michael Bowling.

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14:57 1 A. I was assigned to train the two latest  
14:57 2 nightshift technicians, so I was training them, and  
14:57 3 they started working with their respective shifts,  
14:57 4 and they came to me asking why -- I believe they  
14:57 5 were both on nights, and they were asking me why  
14:57 6 nights was not performing their work. Why they  
14:57 7 were just going away and doing whatever for X  
14:57 8 amount of time, and why they're getting pressured  
14:57 9 by days, and I told them it was because there was a  
14:58 10 lack of work ethic on nights.

14:58 11 Q. On the nightshift.

14:58 12 A. Yes, and they, of course, told the other  
14:58 13 techs, and that came back to Mike Bowling.

14:58 14 Q. Did you think it was fair for Mr. Bowling  
14:58 15 to give you this verbal warning?

14:58 16 A. I believe it was unfair.

14:58 17 Q. And why was that?

14:58 18 A. Because I had brought all these issues up  
14:58 19 to him through the last several months, and they  
14:58 20 were not addressed, and it just compounded and made  
14:58 21 me look like a bad guy. I -- I was...

14:58 22 There's -- there was a lot of animosity  
14:58 23 towards me because of it, because of everything  
14:58 24 that occurred and how it was handled directly by  
14:58 25 Michael Bowling.

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15:05 1 what's Exhibit -- is marked as Exhibit 71.

15:05 2 So Exhibit 71, the top e-mail is an

15:05 3 e-mail that you sent from your work e-mail to your

15:05 4 private or personal e-mail on June 8th, 2018; right?

15:06 5 A. Yes.

15:06 6 Q. Okay. So you were just forwarding an

15:06 7 internal Tesla e-mail between you and Chris Lister.

15:06 8 A. And Elon and JB Straubel.

15:06 9 Q. Right. Well, you sent it to Chris Lister,

15:06 10 and copied Elon Musk and JB Straubel; right?

15:06 11 A. You're correct, yes.

15:06 12 Q. Okay.

15:06 13 So it says: "Chris, thanks for spending

15:06 14 time with me today."

15:06 15 So you actually met with Mr. Lister on

15:06 16 June 8th?

15:06 17 A. Yes, I did, for several hours.

15:06 18 Q. Several hours.

15:06 19 Okay. And Chris Lister was the head of

15:06 20 the Gigafactory.

15:06 21 A. Yes. I don't know his exact title, but

15:06 22 plant manager would be the --

15:06 23 Q. He was, over- -- overall, in charge of the

15:06 24 Gigafactory.

15:06 25 A. He was what JB was previously.



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15:06 1 Q. Okay. So that's pretty high up.

15:07 2 A. Yes.

15:07 3 Q. And you talked with him for several hours.

15:07 4 A. Yes, I did.

15:07 5 Q. And you told him about your concerns about

15:07 6 the scrap numbers.

15:07 7 A. I told him about all my concerns, including

15:07 8 the safety issues.

15:07 9 Q. Huh. You didn't mention Mr. Lister before.

15:07 10 So in your e-mail to him, can you point

15:07 11 to me where there is anything about the safety

15:07 12 issues?

15:07 13 A. I was directed by him during that

15:07 14 conversation to let him handle that.

15:07 15 Q. Hmm. Okay.

15:07 16 So well why did you send this e-mail to

15:07 17 him then?

15:07 18 A. I believe this was -- okay. This was the

15:07 19 same day, so...

15:07 20 This was additionally concerns that the

15:07 21 process engineering technicians on that particular

15:08 22 shift, when I sent this e-mail, because they found

15:08 23 out that I had met with him, and they wanted to

15:08 24 voice their concern for the amount of scrap that we

15:08 25 had and were expecting on the line, and he had asked

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15:12 1 supposedly making statements to investors; right?

15:12 2 A. Yes.

15:12 3 Q. But the fact that he's telling the people in  
15:12 4 charge of the Gigafactory to meet a certain goal,  
15:12 5 you just thought that was, what, nothing?

15:12 6 MR. FISCHBACH: Object to the form of the  
15:12 7 question; misstates the exhibit.

15:12 8 THE WITNESS: We had previously seen  
15:12 9 e-mails -- e-mails similar to this, and nothing was  
15:12 10 ever done, so it was everyone's impression -- when  
15:13 11 they saw this e-mail, they laughed.

15:13 12 Q. BY MR. GATES: Okay.

15:13 13 So I guess, what, Gigafactory is going  
15:13 14 to collapse tomorrow without Martin Tripp; right?

15:13 15 MR. FISCHBACH: Objection; argumentative.

15:13 16 THE WITNESS: I don't know.

15:13 17 Q. BY MR. GATES: You don't know, right.

15:13 18 You know James Ohlemann (phonetic);

15:13 19 right?

15:13 20 A. Yes, I do.

15:13 21 Q. He was one of your coworkers at the  
15:13 22 Gigafactory.

15:13 23 A. Yes.

15:13 24 Q. You talked to him; right?

15:13 25 A. When?

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15:13 1 Q. When you were at the Gigafactory.

15:13 2 A. On rare occasion.

15:13 3 Q. Did you talk to him after you were  
15:13 4 terminated?

15:13 5 A. Yes.

15:13 6 Q. About what?

15:13 7 A. He conveniently showed up at the Nugget  
15:13 8 Casino & Hotel on four different occasions, and was  
15:13 9 voicing his concern about money, and the quality  
15:14 10 issues that he had seen and why he was wrongfully  
15:14 11 term- -- in his eyes wrongfully terminated by Tesla.

15:14 12 Q. Uh-huh.

15:14 13 Did you ask him to talk to Linette  
15:14 14 Lopez?

15:14 15 A. I asked him to -- if he would be interested  
15:14 16 in speaking to a reporter.

15:14 17 Q. Okay. Did you put him in contact with  
15:14 18 Linette Lopez?

15:14 19 A. I did, but I don't remember how that came  
15:14 20 about.

15:14 21 Q. Did you engage in text exchanges with  
15:14 22 Mr. Ohlemann?

15:14 23 A. Yes.

15:14 24 (Deposition Exhibit Number 73 was marked  
15:14 25 for identification.)

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15:14	1	Q. BY MR. GATES: So I'll give you what's
15:14	2	marked as Exhibit 73, which is a photograph of a
15:14	3	Samsung phone showing a number of text messages.
15:14	4	Do you recognize these text messages?
15:14	5	A. I do.
15:14	6	Q. Okay. And these are text messages between
15:15	7	you and Mr. Ohlemann; right?
15:15	8	A. I can't determine that from this, but
15:15	9	assuming it is the conversation I had, yes.
15:15	10	Q. I'm sorry. You said you recognized them.
15:15	11	A. Yes.
15:15	12	Q. Okay. How do you recognize them?
15:15	13	A. It's familiar, that conversation.
15:15	14	Q. The conversation represented by the text
15:15	15	messages is familiar to you.
15:15	16	A. Correct.
15:15	17	Q. And that is a conversation that you had
15:15	18	with James Ohlemann.
15:15	19	A. I believed it to be James Ohlemann.
15:15	20	Q. Okay. You believe that you were texting
15:15	21	Mr. Ohlemann and had this text conversation; right?
15:15	22	A. Yes.
15:15	23	Q. And is this your phone that the photograph
15:15	24	is coming from?
15:15	25	A. No.

**Martin Tripp-Confidential**

15:15 1 Q. Do you know where this photograph came  
15:15 2 from?

15:15 3 A. I do not.

15:15 4 Q. So did you tell Mr. Ohlemann:

15:15 5 "Oh, if you are helpful, you will get  
15:15 6 some money, I guarantee you."

15:16 7 A. Yes.

15:16 8 Q. Why did you tell him that?

15:16 9 A. On those occasions he expressed a dire need  
15:16 10 for money, and he had some valuable information  
15:16 11 regarding what was going on with the cooling tubes  
15:16 12 and why he was wrongfully terminated. And I had  
15:16 13 been speaking with an attorney regarding the SEC  
15:16 14 tip being filed, and there was a possibility that  
15:16 15 there could be a large sum of money for an award,  
15:16 16 and that's what that was discussing. There was no  
15:16 17 promise of money made to him at all.

15:16 18 (Deposition Exhibit Number 74 was marked  
15:16 19 for identification.)

15:16 20 Q. BY MR. GATES: Let me give you what is  
15:16 21 going to be marked as Exhibit 74.

15:16 22 So Exhibit 74 is another photograph of  
15:16 23 a text conversation, and it appears to be the same  
15:17 24 conversation that we see in Exhibit 73. Wouldn't  
15:17 25 you agree with that?

1 I CERTIFY that the foregoing deposition  
2 was taken by me pursuant to Notice; that I was then  
3 and there a Certified Reporter for the State of  
4 Arizona, and by virtue thereof authorized to  
5 administer an oath; that the witness before  
6 testifying was duly sworn by me to testify to the  
7 truth; that the questions propounded by counsel and  
8 the answers of the witness thereto were taken down  
9 by me in shorthand and thereafter transcribed under  
10 my direction, and that the foregoing typewritten  
11 pages contain a full, true, and accurate transcript  
12 of all proceedings had upon the taking of said  
13 deposition, all done to the best of my skill and  
14 ability; that deposition review and signature was  
15 requested.

16 I FURTHER CERTIFY that I am in no way  
17 related to nor employed by any of the parties  
18 hereto, nor am I in any way interested in the  
19 outcome hereof.

20 DATED at Phoenix, Arizona, this 16th  
21 day of September, 2019.

22 

23 \_\_\_\_\_  
24 David M. Lee, RMR, CRR  
25 Arizona Certificate No. 50391